## **Amendment to Claims**

This listing of Claims will replace all prior versions and listings of claims in this Application.

## **Listing of Claims**

Claims 1-6 Cancelled

Claim 7. (PREVIOUSLY PRESENTED) A non-spring-back shoe insole comprising cushioning layer structure fully responsible for all cushioning behavior in the insole, structurally limited, with regard to cushioning-action response by it to a load-induced deformation, solely to a non-spring-back response, with said cushioning layer structure having upper and lower surfaces, and being formed throughout of an acceleration-rate-sensitive, viscoelastic, non-springy cushioning material, and

a moisture-wicking fabric overlayer joined to said upper surface, and including elongate load-distributing fibres.

Claim 8. (NEW) A non-spring-back shoe insole comprising

cushioning layer structure fully responsible for all cushioning behavior in the insole, structurally limited, with regard to cushioning-action response by it to a load-induced deformation, solely to a non-spring-back response, with said cushioning layer structure having upper and lower surfaces, and being formed throughout of an acceleration-rate-sensitive, viscoelastic, non-springy cushioning material, wherein said cushioning layer structure tends to flow with heat and compression, thus deforming gradually to create an upwardly facing, topographically-conforming, foot-support surface which compliments and follows the configuration of the underside of a supported foot, and

a moisture-wicking fabric overlayer joined to said upper surface, and including elongate load-distributing fibres.

Page 2 PRELIMINARY AMENDMENT IN SUPPORT OF RCE UNDER 37 C.F.R. § 1.114 for Serial No. 10/003,122; Attorney Docket No. OAE.306 (J-OAER.1011)